

**PACIFIC COAST ABORTION RING:  
CALIFORNIA SUPREME COURT  
DECISION\***

**Opinion follows:**

89 Cal. App. Dec. 393—No. 3322.

Los Angeles—Arthur Crum, Judge.

Crim. No. 4116. In Bank. November 26, 1937

The People of the State of California, Plaintiff and Respondent, vs. R. L. Rankin, George E. Watts, John A. Creeth, J. O. Shinn, William A. Byrne, Valentine St. John, H. L. Houston, Bessie McCarthy, Grace Moore, Lillian Wilson, Jessie Radcliffe, James Beggs, Beatrice Bole, Jesse C. Ross, Violette Pellegrini, W. Norman Powers, and J. C. Perry, Defendants; William A. Byrne, Valentine St. John, James Beggs, and Jesse C. Ross, Defendants and Appellants.

For Appellant James Beggs—Clarence W. Hull; Sherman & Sherman.

For Appellant Valentine St. John—Charles A. Thomas-set.

For Appellant William A. Byrne—R. E. Parsons, Jerome O. Hughes.

For Appellant Jesse C. Ross—Abe Richman.

For R. L. Rankin and William A. Byrne—Rosecrans & Emme, Bayard R. Rountree.

For Appellants—Anna Zacsek.

For Respondent—U. S. Webb, Attorney-General; Bayard Rhone, Deputy Attorney-General; Buron Fitts, District Attorney; Verne L. Ferguson, Deputy District Attorney.

This cause was taken over after decision in the District Court of Appeal of the Second Appellate District, Division Two, in order that we might more fully examine the record and certain issues raised upon the appeal. An examination of the evidence, covering 1,742 pages of the reporter's transcript, compels us to agree with the conclusion of the Appellate Court that as to the appellants Beggs, Ross, and St. John there is a dearth of corroborating evidence within the meaning of Section 1111 of the Penal Code as interpreted in *People vs. Kempley*, 205 Cal. 441, 271 Pac. 478, and *People vs. Davis*, 210 Cal. 540, 293 Pac. 32. However, we cannot accept the conclusion announced by that court with reference to the contention of the appellant Byrne directed against Count 7 of the indictment. This point will be discussed later.

Therefore, with such additional comment as shall hereinafter appear, we adopt the following portions of the opinion of Mr. Justice McComb as and for the decision of this court:

"Defendants were accused by the grand jury of the county of Los Angeles of the crime of conspiracy to violate Section 274 of the Penal Code, a felony, and in eight separate counts of having committed abortions. Defendants were tried jointly before a jury, whose verdicts were:

"1. Guilty:

"(Counts, 1, 2, 5, 7, and 9): R. L. Rankin, George E. Watts, J. O. Shinn, William A. Byrne, Grace Moore, Lillian Wilson, James Beggs, Jesse C. Ross.

"(Counts 1 and 5): John A. Creeth, Valentine St. John.

"(Counts, 1, 2, and 5): Violette Pellegrini.

\* Letter which follows gives additional information concerning the California Supreme Court decision in the case:

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL

STANDARDS

BOARD OF MEDICAL EXAMINERS

STATE OF CALIFORNIA

San Francisco, Calif.,

December 10, 1937.

Re: *People vs. R. L. Rankin, et al.* (Pacific Coast Abortion Ring).

To the Editor:—We enclose herewith galley proof of the California Supreme Court decision in the case of *People vs. Rankin*, wherein you will note that new trials have been granted Drs. James Beggs, Jesse C. Ross, and Valentine St. John. You will also note that the State Supreme Court sustained the Los Angeles Superior Court conviction of William A. Byrne, former Assistant Special Agent of the Board of Medical Examiners.

We believe that the decision is of sufficient importance to warrant publication in the next issue of CALIFORNIA AND WESTERN MEDICINE.

Would appreciate return of galley proof when same has served your purpose.

With kindest personal regards, believe me

Very truly yours,

(Signed) C. B. PINKHAM, M.D.,  
Secretary-Treasurer.

"2. Not guilty:

"(All counts): Jessie Radcliffe, J. C. Perry.

"Defendants H. L. Houston, Bessie McCarthy, and Beatrice Bole were not apprehended, and defendant W. Norman Powers entered a plea of guilty to Count 1 of the indictment and testified on behalf of the State.

"Defendants James Beggs, William A. Byrne, R. L. Rankin, Jesse C. Ross, and Valentine St. John alone appeal from the judgments and orders denying their motions for a new trial.

"The appeal of defendant R. L. Rankin has heretofore been dismissed at his request.

Viewing the evidence most favorable to the prosecution (*People vs. Dukes*, 90 Cal. App. 657, 659), the facts in the instant case are:

"Defendants R. L. Rankin and George E. Watts owned, operated, and directed a series of offices, extending from Seattle, Washington, to San Diego, California, for the purpose of illegally performing abortions. The remaining defendants, with the exception of those who were acquitted by the jury, were employed by them in various capacities in connection with the conduct of their illegal business. In the course of their business, and in pursuance of their conspiracy, abortions were performed upon Gladys Duckworth, Peggy Nowell, and Josephine Peacock, as alleged in Counts 2, 5, and 9 of the indictment.

"A.

"Each appellant urges reversal of the judgments on the ground that there is no substantial corroboration of the testimony of his accomplices to show his participation in or connection with any of the crimes of which he was convicted.

"The law is settled in California that a conviction cannot be sustained upon the testimony of an accomplice, unless it be corroborated by other evidence which tends to connect defendant with the commission of the offense charged in the indictment (Section 1111, Penal Code), and it is equally clear that the corroborative evidence necessary to comply with this requirement must of itself, without the aid of the accomplice's testimony, connect or tend to connect defendant with the commission of the offense charged. (*People vs. Kempley*, 205 Cal. 441, 455; *People vs. Janssen*, 74 Cal. App. 402, 406; *People vs. Rokes*, 88 Cal. App. Dec. 317, 318.)

"Applying the foregoing rules to the instant case, we find with reference to the appellants Beggs, Ross, and St. John, that, after eliminating entirely the testimony of their accomplices, the record is completely devoid of any evidence even slight, which connects or tends to connect any of them with any of the crimes of which they were convicted. Since the judgments as to these appellants must be reversed for the foregoing reason, it is unnecessary for us to consider the other contentions which they have advanced.

"With reference to appellant William A. Byrne, we find a different situation. An examination of the record discloses that, after eliminating the testimony of his accomplices, there was substantial evidence considered in connection with such inferences as the jury may have reasonably drawn therefrom to connect him with the commission of the offense charged, thus furnishing the necessary corroboration to the testimony of his accomplices. One example of such corroborative evidence is found in the testimony of Geraldine Gerding, secretary to the manager of the Ocean Center Building in Long Beach, who it is conceded was not an accomplice, to the effect that appellant Byrne, about July 29, 1936, paid rent for rooms used by some of his coconspirators in that city for the purpose of performing abortions. There is ample evidence of a similar nature; however, since no useful purpose would be subserved by setting the same forth in *extenso*, we refrain from further discussion of it. (*Thatch vs. Livingston*, 13 Cal. App. [2d] 202, 56 Pac. [2d] 549; *Koberle vs. Hotchkiss*, 8 Cal. App. [2d] 634, 48 Pac. [2d] 104; *Leavens vs. Pinkham & McKevitt*, 164 Cal. 242, 245, 128 Pac. 399.)

"B

"Appellant Byrne relies for reversal of the judgments upon these additional propositions:

"First: Count 7 of the indictment did not charge a public offense.

"Second: Section 274 of the Penal Code is unconstitutional in that it fails to inform a person charged there-

under with reasonable certainty as to what acts or actions are prohibited by it. . . .

"Appellant Byrne's final proposition is untenable. His entire argument is directed to the point that the words 'procure the miscarriage of such woman' do not convey a definite and certain meaning. 'Miscarriage' is thus defined in Bouvier's Law Dictionary, Volume 2, page 2221:

"The expulsion of the ovum or embryo from the uterus within the first six weeks after conception. Between that time, and before the expiration of the sixth month, when the child may possibly live, it is termed abortion. When the delivery takes place soon after the sixth month, it is denominated premature labor. But the criminal act of destroying the fetus at any time before birth is termed, in law, procuring miscarriage."

"An almost identical definition will be found in Cyclopedic Law Dictionary, page 662, and substantially the same definition is given in each of the modern dictionaries of the English language. It is, therefore, evident that the phrase as used in the statute was sufficiently explicit to inform persons of common intelligence and understanding of the acts which were prohibited."

Even if we concede for present purposes that Count 7 of the indictment, as urged by the appellant Byrne, is deficient because of its failure to charge the aborting of a "pregnant" woman, we are of the opinion that no prejudice resulted therefrom, inasmuch as the evidence adduced upon the trial established the pregnancy of the woman involved. Therefore, under Section 4½ of Article 6 of the Constitution the assumed defect is insufficient to warrant a reversal of the judgment. (*People vs. Bonfanti*, 40 Cal. App. 614, 181 Pac. 80; *People vs. Buttulia*, 70 Cal. App. 444, 233 Pac. 401.) In the *Bonfanti* case, *supra*, the defendant was charged with assault with intent to commit rape, but the information failed to allege, as specified in Section 261 of the Penal Code, that the woman whom the defendant had assaulted was not his wife. The evidence, however, definitely indicated that she was not his wife. Under the circumstances, it was held that the defect in the information was not prejudicial in the light of Section 4½, *supra*. The reasoning of that case is applicable here, and the contention of the appellant Byrne with respect to Count 7 of the indictment does not call for a reversal of the judgment thereon.

The judgment and orders denying the motions for new trial relative to the appellants James Beggs, Jesse C. Ross and Valentine St. John are and each is reversed, and a new trial is ordered.

The judgments and orders relative to William A. Byrne on Counts 1, 2, 5, 7, and 9 are and each is affirmed.

WASTE, C. J.

We concur: Houser, J., Shenk, J., Curtis, J., Edmonds, J., Seawell, J.

## MEDICAL CLINICS PLAN: PUBLIC HEALTH EXHIBITS

### Golden Gate International Exposition: San Francisco

In the huge Hall of Science at the 1939 Golden Gate International Exposition, thirty of America's leading research laboratories will tell the story of the remarkable recent progress which has been made in the prevention and treatment of disease.

Led by such world-famous institutions as the Mayo Clinic, the Jackson Clinic, the American Medical Association, and the American Society for the Control of Cancer, these laboratories will present a dramatic picture of the latest advances in medicine and its related fields. The exhibit plans will also have the coöperation of the country's leading universities, notably the University of California, Stanford University, the California Institute of Technology, University of Southern California, Harvard University, University of Oregon, and the University of Washington.

According to Milton Silverman, Director of the Hall of Science for the \$50,000,000 World's Fair of the West, these exhibits will place the major emphasis on the prevention of disease rather than its treatment. Following a 9000-mile trip to the outstanding laboratories and clinics of the United States, Silverman reports that amazing exhibits are being planned to illustrate the tremendous strides which are being made in research and disease prevention.

Reservations for space in the Hall of Science have already been made by the Mayo Clinic of Rochester, Minne-

sota, and plans are under way for a complete research exhibit at the Fair under the direction of Dr. Charles Mayo, Dr. Donald Balfour, who is now active head of the Mayo Clinic, and Dr. Walter Alvarez, internationally famous physiologist.

Supervised by Doctor Alvarez, a new and improved model of the transparent man will be shown, particularly emphasizing the digestive apparatus of the human being. From the extensive scientific museum at Rochester will come many astonishing displays built for use at the Exposition. Other material especially prepared for the Fair, will show the remarkable technique which has been attained in plastic surgery. Displays showing the prevention and treatment of appendicitis have also been promised, and educational exhibits pertaining to diabetes, asthma and experimental dentistry are also contemplated. The Mayo Clinic will also participate in the cancer exhibit and the embryological exhibit.

The Jackson Clinic of Madison, Wisconsin, will center all its efforts on one central exhibit, the story of the thyroid gland. This display will show the normal activity of the gland and how it secretes the amazing and highly powerful hormone, thyroxin. Special consideration will be given to the remarkable achievement in preventing both physical and mental destruction through the impairment of this gland and the importance of iodine in keeping the gland functioning. Attention will also be focused on the so-called goiter belt stretching across northern United States, and dynamic exhibits will demonstrate the prevention of goiter and cretinism. Dr. Arnold Jackson, head of the clinic, will personally direct these activities at the San Francisco Exposition.

Two Wisconsin schools planning to participate in the medical exhibit are the Marquette University and the University of Wisconsin. Dr. Eben J. Carey of Marquette, who was in charge of medical exhibits at the Century of Progress, is heading a group which is planning an outstanding exhibit on embryology, "How Life Begins."

At the University of Wisconsin an exhibit is being prepared to show the modern use of drugs and chemical to alleviate pain. In a coöperative exhibit, University of Wisconsin pharmacologists and anesthetists will collaborate with similar groups from the University of California in a demonstration of modern anesthesia.

An unusual cancer exhibit, which will illustrate the steps being taken to check this most dreaded of all diseases, will have the coöperation of the American College of Surgeons and other noted groups. Use of radium, x-ray, and surgical treatment will be demonstrated as well as modern preventive measures.

Other important subjects to be covered by the American College of Surgeons include the treatment of bone injury, particularly the new plastic bone surgery. Directing the American College of Surgeons' activities at the Exposition will be a committee composed of Dr. Howard Naffziger of the University of California, president-elect of the Association; Dr. Frank Lynch, also of the University of California, vice-president; Dr. Emile Holman of Stanford University; and Dr. Malcolm McEachern of Chicago.

The story of teeth and their connection with general health will be vividly portrayed in the Hall of Science by the exhibit of the American Dental Association. As a central feature of these booths a moving model will demonstrate in a novel way how teeth are formed and grow in the mouth. A series of illustrations will also show how apparently healthy teeth can decay and how many dental troubles can be prevented from spreading to other parts of the body, particularly the heart, kidneys, and bones. Of especial interest to the layman will be a portrayal of the history of dentistry from its earliest beginnings. The crude methods of the ancient man of brawn will be vividly contrasted with the technique of the skilled specialists of today.

Another phase of the Health and Science show will deal with the prevention of diseases transmitted from household pets and other animals to man, such as tuberculosis, rabies, and Malta fever. This section of the Exposition will be under the direction of the American Veterinary Medical Association. Prevention and treatment of disease in animals also will be included in this section of the Hall, which will be under the direction of Dr. C. M. Haring of the Veterinary Science Department of the University of California.